

Appl. No. 09/832,581
Atty. Docket No. 8494
Amdt. dated April 21, 2004
Reply to Office Action of January 30, 2004
Customer No. 27752

REMARKS

Applicants thank Examiner for the consideration given to the present application. Claims 9-14, 16-29, 31-35, and 37 are pending in the present application. No additional claims fee is believed to be due.

Applicants thank Examiner for the allowance of claims 9, 10, 12-14, 16-22, 24, 27-29, 31-33, 35 and 37. Claims 11, 23, 25, 26, and 34 have been amended. Claims 15, 30, 36, and 46-64 had previously been cancelled. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection under 35 U.S.C. §112

Claims 11, 23, 25, 26, and 34 have been rejected under 35 U.S.C. §112. Regarding claim 23, Applicants have clarified the language of this claim as suggested by Examiner. Regarding claim 26, Applicants have changed the upper limit of the carbon add-on to about "75%" as independent claim 17 may include 85%.

Regarding claims 11, 25, and 34, Applicants have amended the language of these claims to allow the claim to read more naturally and to make it more clear what is being claimed.

Applicants respectfully assert that the terms "screens", "wovens" and "non-wovens" are definite, thus satisfying 35 U.S.C. 112, second paragraph. First, an applicant may be his own lexicographer. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979-80, 34 USPQ2d 1321, 1330 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996). Second, if the claims, read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, then 35 U.S.C. §112, second paragraph, is satisfied. *See*, for example, *Shatterproof Glass Corp. v. Libbey Owens Ford Co.*, 758 F.2d 613, 225 USPQ 634 (Fed. Cir. 1985).

Applicants respectfully point out that in the specification, under "II. Filter Particles Coated With An Activated Lignosulfonate", that "filter particles" can be various sizes and shapes, including complex forms such as "webs, screens, meshes, non-wovens, and wovens. (see page 6, lines 22-28). Further, filter particles may include "metal alloys, carbon, ceramic or glass", such as "glass fibers, ceramic fibers, carbon fibers, and copper granules". (see page 7, lines 9-11). These filter particles may ultimately be "coated with a lignosulfonate to provide the carbon source

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during the subsequent steps of carbonization and activation". (see page 7, line 30, and page 8, lines 1-2).

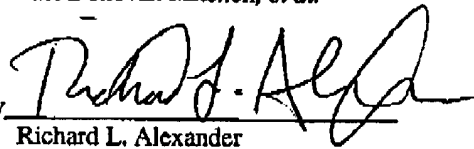
Additionally, Applicants respectfully contend that one of ordinary skill in the art knows and understands that the above mentioned materials (including screens, woven, and non-woven materials), as well as like materials, may be used as substrates in constructing filter particles and filter material.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §112, second paragraph. In view of the foregoing, Applicants respectfully request reconsideration of this application and allowance of claims 11, 23, 25, 26, and 34.

Respectfully submitted,

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